

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LEVETTE K. BYNUM
:
:
v. : Civil Action No. DKC 2004-2154
:
ESSILOR LABORATORIES OF
AMERICA, INC. :

MEMORANDUM OPINION

Presently pending and ready for resolution in this employment discrimination case is the unopposed supplemental and renewed motion of Essilor Laboratories of America, Inc. to dismiss Count I of Plaintiff's Amended Complaint.

On June 20, 2005, the court granted Defendant's motion to dismiss or for summary judgment as to count II, and directed Defendant to file a further affidavit stating the number of employees it had when Plaintiff was terminated if it contended that count I failed to state a claim because Defendant employed 15 or more employees at the time of Plaintiff's termination. If it did, then, as explained in the earlier memorandum, Plaintiff cannot state a claim under Maryland law for wrongful discharge.

On July 5, 2005, Defendant filed the affidavit of Brook Haro attesting that Essilor has employed more than fifteen employees at its facility where Plaintiff was employed. On the same day,

the clerk mailed Plaintiff a notice of the filing of the further affidavit and of her opportunity to respond. No response has been received. The affidavit of the Human Resources manager for the company establishes the requisite information. Thus, as stated in the memorandum of June 20, 2005, count one must be dismissed.

A separate order will be entered.

_____/s/_____

DEBORAH K. CHASANOW
United States District Judge